

### **Remarks**

The instant Office Action dated May 21, 2008 indicated that the drawings are objected to because they lack textual labels and listed the following rejection: claims 1-6 stand rejected under 35 U.S.C. § 103(a) over applicant's admitted prior art ("APA", specification, page 1) in view of Tamai (U.S. Patent No. 6,580,180). Applicant traverses the rejections and, unless explicitly stated by the Applicant, does not acquiesce to any objection, rejection or averment made in the Office Action.

Regarding the objection to the drawings, Applicant notes that a similar objection was overcome in Applicant's response of July 23, 2007. Applicant is unaware of any support (M.P.E.P. or otherwise) for the standard asserted in the Office Action as allegedly providing the reason for the objection. Specifically, the Office Action states that the drawings must be amended "so that future readers can understand the figures without having to consult the specification." This is contrary to CFR § 1.84(p), which explicitly states that the specification must provide explanations for the figures: "(t)he elements for which such symbols and labeled representations are used must be adequately identified in the specification." The block-diagram elements in Figures 1 and 2 are provided with textual labels (*i.e.*, the numbers 1, 2, 3, 4, 5, 11, 12, 13, 14 and 15). Moreover, the block-diagram elements are identified in Applicant's Specification in reference to the textual labels. Applicant submits that the block-diagram elements are clearly identified and that the drawings are in compliance with M.P.E.P. § 608.02 and CFR § 1.84(p). Accordingly, the Office Action has not presented a valid reason for the objection, and Applicant requests that the objection to the drawings be removed.

Applicant respectfully traverses the Section 103(a) rejections of claims 1-6 for failing to teach correspondence to each claim limitation. The prior art cited by the Office Action does not teach that the logic/on-off circuit is powered by the DC input voltage. Tamai explicitly teaches that the power supply terminal of MPU 110 is supplied by the second battery 13 rather than by the primary DC input (*see, e.g.*, Tamai at col. 5, lines 12-18). Accordingly, the rejections are improper as they fail to show that the prior art teaches or suggests correspondence to each limitation.

Moreover, independent claims 1 and 5, as amended, each contain limitations directed to the control circuit being powered when the vehicle is in an idle state (*see, e.g.*,

Applicant's specification at paragraph 0024). As noted by the Office Action and taught by Tamai at col. 6, lines 21-15, the MPU 110 is started to be operated after power is applied from the ignition being turned on. Therefore, one skilled in the art would recognize that power is not applied when the ignition is turned off. Accordingly, the rejection is improper and Applicant respectfully requests that it be withdrawn.

In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Peter Zawilski, of NXP Corporation at (408) 474-9063 (or the undersigned).

*Please direct all correspondence to:*

Corporate Patent Counsel  
NXP Intellectual Property & Standards  
1109 McKay Drive; Mail Stop SJ41  
San Jose, CA 95131

CUSTOMER NO. 65913

By: 

Name: Robert J. Crawford  
Reg. No.: 32,122  
651-686-6633 x101  
(NXPS.266PA)